

Pope of Nueces.	Thompson.
Quinn.	Turner.
Reader.	Veatch.
Rogers.	Waddell.
Rountree.	Warwick.
Sanders.	Webb.
Savage.	Westbrook.
Shaver.	Wiggs.
Snelgrove.	Williams
Stevenson.	of Sabine.
Storey.	Williams
Strong.	of Hardin.
Tarwater.	Woodruff.

Question then recurring on the motion by Mr. Tillotson, that the House adjourn until 10 o'clock a. m. next Monday, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—59.

Acker.	Kemble.
Ackerman.	Kennedy.
Adkins.	Kinnear.
Albritton.	Land.
Barnett.	Long of Wichita.
Bond.	Loy.
Bounds.	Mankin.
Bradley.	Mauritz.
Brice.	Maynard.
Carpenter.	McGill.
Coltrin.	Metcalfe.
Cox of Limestone.	Minor.
DeWolfe.	Negley.
Dunlap.	O'Neill.
Ewing.	Pool.
Eickenroht.	Prendergast.
Forbes.	Ray.
Gates.	Reid.
Gerron.	Shelton.
Hardy.	Sinks.
Harding.	Smith.
Harman.	Stephens.
Harrison.	Thurmond.
Hefley.	Tillotson.
Hines.	Van Zandt.
Hogg.	Wallace.
Hornaday.	Walters.
Johnson	Williams
of Dimmit.	of Travis.
Jones.	Young.
Justiss.	

Nays—28.

Baker.	Kincaid.
Bateman.	Lee.
Brooks.	Lemens.
Enderby.	McCombs.
Finlay.	McDonald.
Graves of Erath.	Mosely.
Harper.	Pavlica.
Heaton.	Purl.
Jenkins.	Renfro.
Johnson of Smith.	Richardson.
Keller.	Sherrill.

Shipman.
Simmons.
Speck.

Veatch.
White.
Woodall.

Absent.

Anderson.	Murphy.
Avis.	Nicholson.
Baldwin.	Olsen.
Beck.	Palmer.
Chastain.	Patterson.
Conway.	Petsch.
Cox of Navarro.	Pope of Jones.
Cox of Lamar.	Pope of Nueces.
Davis.	Quinn.
Duvall.	Reader.
Finn.	Rogers.
Fuchs.	Rountree.
Gilbert.	Sanders.
Giles.	Savage.
Graves	Shaver.
of Williamson.	Snelgrove.
Holder.	Stevenson.
Hopkins.	Storey.
Hubbard.	Strong.
Johnson of Scurry.	Tarwater.
Kayton.	Thompson.
Keeton.	Turner.
Kenyon.	Waddell.
King.	Warwick.
Long of Houston.	Webb.
Marks.	Westbrook.
Martin.	Wiggs.
McKean.	Williams
Mehl.	of Sabine.
Montgomery.	Williams
Moore.	of Hardin.
Morse.	Woodruff.
Mullally.	

The House, accordingly, at 10:20 o'clock a. m., adjourned until 10 o'clock a. m. next Monday.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following committee has today filed favorable reports on bills as follows:

Education: House bills Nos. 10, 13, 18, 7 and 31.

SIXTH DAY.

(Monday, April 29, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Long of Houston.
Acker.	Long of Wichita.
Ackerman.	Mankin.
Adkins.	Mauritz.
Albritton.	Marks.
Baker.	Maynard.
Baldwin.	McCombs.
Barnett.	McDonald.
Bateman.	McGill.
Beck.	McKean.
Bond.	Mehl.
Bounds.	Metcalf.
Bradley.	Minor.
Brice.	Montgomery.
Brooks.	Moore.
Carpenter.	Mosely.
Chastain.	Mullally.
Coltrin.	Murphy.
Cox of Navarro.	Negley.
Cox of Lamar.	Nicholson.
Cox of Limestone.	Olsen.
Davis.	O'Neill.
DeWolfe.	Palmer.
Dunlap.	Pavlica.
Duvall.	Petsch.
Enderby.	Pool.
Ewing.	Pope of Jones.
Eickenroht.	Prendergast.
Finn.	Purl.
Finlay.	Quinn.
Forbes.	Ray.
Fuchs.	Reader.
Gates.	Renfro.
Gerron.	Richardson.
Gilbert.	Rountree.
Giles.	Sanders.
Graves	Savage.
of Williamson.	Shelton.
Graves of Erath.	Sherrill.
Harding.	Shipman.
Harman.	Simmons.
Harrison.	Sinks.
Heaton.	Speck.
Hefley.	Stephens.
Hines.	Stevenson.
Hogg.	Storey.
Holder.	Tarwater.
Hopkins.	Thurmond.
Hornaday.	Tillotson.
Hubbard.	Turner.
Jenkins.	Van Zandt.
Johnson of Dimmit.	Veatch.
Johnson of Smith.	Waddell.
Johnson of Scurry.	Wallace.
Justiss.	Walters.
Keller.	Warwick.
Kemble.	Webb.
Kennedy.	White.
Kincaid.	Williams of Sabine.
Kinnear.	Williams of Travis.
Land.	Woodall.
Lee.	Woodruff.
Lemens.	Young.
	Absent.
Harper.	King.
Keeton.	Loy.

Martin.	Shaver.
Pope of Nueces.	
Absent—Excused.	
Anderson.	Rogers.
Avis.	Smith.
Conway.	Snelgrove.
Hardy.	Strong.
Jones.	Thompson.
Kayton.	Westbrook.
Kenyon.	Wiggs.
Morse.	Williams
Patterson.	of Hardin.
Reid.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Smith for today and tomorrow, on motion of Mr. Justiss.

Mr. Patterson and Mr. Morse for today, on motion of Mr. Kemble.

Mr. Hardy for today, on motion of Mr. Bradley.

Mr. Westbrook for today, on motion of Mr. Hopkins.

Mr. Kenyon for today, on motion of Mrs. Moore.

Mr. Anderson for today, on motion of Mr. Nicholson.

Mr. Thompson for today and the balance of the week, on motion of Mr. Hogg.

Mr. Conway for today, on motion of Mr. Gilbert.

Mr. Rogers, Mr. Reid and Mr. Jones for today, on motion of Mr. Bateman.

Mr. Strong for today, on motion of Mr. Hefley.

The following members were granted leaves of absence on account of illness:

Mr. Williams of Hardin for today and the balance of the week, on motion of Mr. Quinn.

Mr. Snelgrove for this week, on motion of Mr. Graves of Erath.

Mr. Kayton for today, on motion of Mr. Justiss.

Mr. Cox of Limestone for today, on motion of Mr. Holder.

MESSAGE FROM THE GOVERNOR.

Mr. Pat Daugherty, secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office,
April 29, 1929.

To the Members of the Forty-first Legislature:

The following subjects are submitted for your consideration:

- (1) Taxation.
- (2) The control and regulation of public utilities through the establishment of a Utility Commission.

Respectfully submitted,

DAN MOODY,
Governor.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Keller:

H. B. No. 35, A bill to be entitled "An Act amending Article 6194 of the Revised Civil Statutes of 1925 so as to increase the rewards to be bestowed for good conduct to convicts serving sentence; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Carpenter, Mr. Woodall, Mr. Van Zandt and Mr. DeWolfe:

H. B. No. 36, A bill to be entitled "An Act to provide that all citations and notices issued by the county clerk on applications for letters of administration, or on applications for the appointment of a guardian, shall be returnable to the court from which issued on the first Monday after the service is perfected, and said returnable date shall constitute the term of the probate court for action on said applications; providing that the time be fixed for service of citations; amending Article 1961 of the Revised Civil Statutes of 1925 so as to provide that the probate court shall be open at all times for the transaction of probate business; amending Article 1965 so as to provide that the probate minutes shall be approved by the presiding judge every thirty (30) days; repealing Article 1967 of the Revised Civil Statutes for 1925 and all laws in conflict with this act, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Jenkins and Mr. Acker:

H. B. No. 37, A bill to be entitled "An Act to provide for bills of exceptions in civil cases tried in any district or county court in this State and to

repeal Articles 1838, 2210, 2237 and 2246 of the Revised Civil Statutes of Texas, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Jenkins, Mr. Acker, Mr. Sinks and Mr. Purl:

H. B. No. 38, A bill to be entitled "An Act to require the district and county clerks, the clerks of the Courts of Civil Appeals, the Court of Criminal Appeals, the clerk of the Supreme Court and the Secretary of State to make annual reports as to the transaction of the courts of this State."

Referred to Judiciary Committee.

By Mr. Jenkins, Mr. Van Zandt, Mr. Acker, Mr. Bond and Mr. Purl:

H. B. No. 39, A bill to be entitled "An Act to amend Article 2203 of the Revised Civil Statutes of Texas and to provide that a verdict may be rendered by the concurrence of nine jurors in a district court and four jurors in a county or justice court, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Jenkins, Mr. Van Zandt, Mr. McCombs, Mr. Bond and Mr. Acker:

H. B. No. 40, A bill to be entitled "An Act to provide for certain papers in causes pending in the district or county courts of this State, and to declare for what purpose the same shall be used, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Chastain, Mr. Graves of Erath and others:

H. B. No. 41, A bill to be entitled "An Act to amend Article 2892, Revised Statutes, 1925, fixing the age and extending the term for compulsory school attendance, and declaring an emergency."

Referred to Committee on Education.

By Mr. Ray:

H. B. No. 42, A bill to be entitled "An Act to amend Article 775a of Chapter 3 of the Revised Code of Criminal Procedure of the State of Texas of 1925, providing parole for prisoners; fixing reduction in their sentences, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Ray:

H. B. No. 43, A bill to be entitled "An Act to amend Section 21 of Chapter 212 of the General Laws enacted

at the Regular Session of the Fortieth Legislature, page 304 of the General Laws of the Regular Session of the Fortieth Legislature of the State of Texas, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Smith and Mr. Johnson of Smith:

H. B. No. 44, A bill to be entitled "An Act declaring the permanent policy of the people of Texas and the Legislature thereof with reference to public free schools, and for the purpose of promoting the public school interests of Texas, of aiding the people to provide adequate school facilities for the education of their children, of lengthening the term of the schools throughout the State and equalizing educational opportunities for all the children therein by the appropriation of five million dollars for the fiscal year ending August 31, 1930, and five million dollars for the fiscal year ending August 31, 1931, and allowing the State Board of Education and the State Superintendent of Public Instruction to aid the public schools in accordance with the conditions herein specified, and declaring an emergency."

Referred to Committee on Education.

By Mr. Jenkins, Mr. Acker and Mr. Sinks:

H. B. No. 45, A bill to be entitled "An Act to amend Articles 2152, 2153 and 2154 of the Revised Civil Statutes of Texas in reference to appearance day and judgments by default, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Prendergast:

H. B. No. 46, A bill to be entitled "An Act to regulate the fixing of term of the district courts and the service of citation therein."

Referred to Committee on Judicial Districts.

By Mr. Graves of Williamson:

H. B. No. 47, A bill to be entitled "An Act relating to the State Penitentiary and the State Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the concentration of the Prison System; making provision for the sale of the prison farms and the concentration of the Texas Prison System; providing for a board for the valuation and sale of the present prison properties; authorizing the Prison Board

to select building sites; providing for power in the State Board of Control to buy supplies, produce and manufactured articles from the State Prison System for use by the State; and providing for the establishment of a Prison Reformatory within the Texas Prison System for young, short-term prisoners; making an appropriation to be used in carrying out this act, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Graves of Erath and Mr. Harman:

H. B. No. 48, A bill to be entitled "An Act amending Article 2688, Revised Civil Statutes, 1925, providing for the election of the county superintendent of public instruction for a term of four years; providing for the filling of vacancies in the office of county superintendent; providing for the compensation of the county superintendent and maintenance of his office; repealing all laws and parts of laws in conflict, and declaring an emergency."

Referred to Committee on Education.

By Mr. Tillotson:

H. B. No. 49, A bill to be entitled "An Act to provide for the concentration of the State Prison System upon contiguous lands; for the reorganization of the operations of the system and the employment of State prisoners, and for the exercise of powers by the Texas Prison Board necessary to the effectuation of all such purposes; providing for the acquisition of lands by purchase or exchange necessary to concentration of the system, for the sale of lands of the Prison System not required in the plan of concentration and reorganization, and the conditions of sale; for the designation of a board of appraisal to determine the values of all land bought, sold or exchanged; providing certain authority and duties of the State Board of Control; making an appropriation, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Mauritz:

H. B. No. 50, A bill to be entitled "An Act providing for the levying and collection of income taxes upon individuals, fiduciaries, corporations, joint stock companies, and associations residing or doing business within the State of Texas, and upon non-residents having income from property located in

or business transacted within the State of Texas; fixing the rates of tax to be levied and collected from such income; designating what shall constitute income coming under the provisions of this act and allowing certain deductions from gross income for the purpose of calculating net income; providing for exemptions of amounts or parts of income, such exemptions to be excepted from said tax; providing the manner of making income tax reports and returns; providing penalties for failure to make returns and for the failure to pay said income tax; providing for the appointment of an income tax supervisor and other officers and employees required for the proper administration of the provisions hereof; providing for the disposition of the revenue arising under the provisions of this act; and making an appropriation for the purpose of carrying into effect the provisions of this act, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Mauritz and others:

H. B. No. 51, A bill to be entitled "An Act imposing an excise tax on motor fuels as defined herein, including all fuels ordinarily, practically and commercially usable in internal combustion engines for the generation of power, sold, distributed, or used in this State by distributors, as defined, with certain exceptions, including crude oil, fuel oil and kerosene, and exempting motor fuels distributed or sold to and used by the United States Government; requiring distributors to file applications and obtain permits before engaging in the use, sale, and distribution of motor fuels as distributor, and the time and manner of procuring the same, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Mauritz:

H. B. No. 52, A bill to be entitled "An Act amending Article 7105 and paragraph 10 of Article 7107, Revised Civil Statutes of Texas for 1925, so as to include under the provisions of said articles, telegraph, telephone, pipe line, electric power, electric light, water, interurban and electric railway and terminal companies and motor bus companies and every other corporation, association, or individual which now has, or shall hereafter be given the right of eminent domain, and every individual, corporation or association doing similar

business; repealing Article 7116, Revised Civil Statutes of Texas for 1925, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Mauritz:

H. B. No. 53, A bill to be entitled "An Act to amend Article 7342 of the Revised Civil Statutes of 1925, and to provide that in suits against unknown, non-resident or other defendants under said article it shall not be necessary to appoint an attorney or guardian ad litem for said defendants, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Ray:

H. B. No. 54, A bill to be entitled "An Act to amend Section 23 of Chapter 212 of the General Laws enacted at the Regular Session of the Fortieth Legislature, page 304 of the General Laws of the Regular Session of the Fortieth Legislature of the State of Texas, and declaring an emergency."

Referred to Committee on Penitentiaries.

By Mr. Sinks:

H. B. No. 55, A bill to be entitled "An Act to amend Article 7414 of the Revised Civil Statutes of 1925."

Referred to Judiciary Committee.

By Mr. Cox of Limestone:

H. B. No. 56, A bill to be entitled "An Act to amend Section 1 of Article 7071 of the Revised Civil Statutes of 1925, relating to rate of occupation tax on gross production of oil; making said act effective on and after October 1, 1929."

Referred to Committee on Revenue and Taxation.

PROVIDING FOR MEMORIAL SERVICES IN HONOR OF JOSEPH WELDON BAILEY.

Mr. Hopkins offered the following resolution:

Whereas, The State of Texas has recently suffered the loss of one of its most distinguished citizens in the untimely passing of Senator Joseph Weldon Bailey; and

Whereas, The Senate at 11 o'clock this morning in memorial exercises is to render homage to our deceased friend; now, therefore, be it

Resolved by the House of Representatives, That it recess at 11 o'clock this

morning for a period of one hour in order to attend and join the Senate in said memorial exercises as a mark of respect to the memory of this honorable and distinguished citizen.

Signed—Hopkins, Stevenson, Pool, Mankin, Purl, Murphy, Keller.

The resolution was read second time and was adopted.

RELATING TO OPERATING MOVING PICTURES ON SUNDAY.

Mr. Woodall offered the following resolution:

Whereas, The State of Texas and its citizenship is operating under the Penal Code of the State of Texas; and

Whereas, The design of the Code is to define in plain language every offense against the laws of this State and affix to each offense its proper punishment; and

Whereas, Article 286 of said Penal Code in plain language condemns the proprietor of any place of public amusement, or the agent or employe of any such proprietor, who shall permit his place of public amusement to be operated or open for the purpose of traffic or public amusement on Sundays shall be fined not less than twenty (\$20) dollars nor more than fifty (\$50) dollars; and

Whereas, The term "place of public amusement" shall be construed to mean circuses, theaters, variety theaters and such other amusements as are exhibited and for which an admission fee is charged; and

Whereas, Said Article 286 as now incorporated in our Penal Code was regularly passed by the Legislature of the State of Texas and became the law on December 2, 1871; and

Whereas, It is well known that in all the larger cities of Texas and in many of the smaller towns and villages theaters and other places of public amusement are open and operated on Sunday; that an admission fee is charged; and that this is done despite Article 286 herein mentioned; and

Whereas, It is also well known that in many counties and communities the law is enforced, thereby creating a discrimination; and

Whereas, Certain officers of the law have willfully or negligently failed to perform the duties imposed upon them by the Constitution and laws of this State; and

Whereas, Such open, notorious and flagrant violation of this article of the Penal Code of the State of Texas breeds

contempt and disrespect for other laws embodied in our Penal Code; and

Whereas, Article 4, Section 7, of the Constitution gives the Chief Executive of this State express power to call forth the militia to execute the laws of this State; and

Whereas, Article 4, Section 10, imposes upon the Chief Executive of this State the duty of causing the laws to be faithfully executed; therefore, be it

Resolved by the House of Representatives of the State of Texas, That the law enforcement agencies of this State be and they are hereby requested to enforce Article 286 of the Penal Code of the State of Texas; and be it further

Resolved, That it is the sense of this body that the Chief Executive of this State be and he is hereby requested to use the means at his disposal to secure the enforcement of same, and that a copy of this resolution be transmitted by the Chief Clerk to the Governor of this State.

Signed—Woodall, DeWolfe, Reid, Richardson.

The resolution was read second time.

Mr. O'Neill offered the following amendment to the resolution:

Amend the resolution in last paragraph after the words "to secure the enforcement of same" by inserting the following: "or give the Legislature the opportunity at this session to correct the legal flaws discovered by the Governor in the bill dealing with Sunday laws passed by the Regular Session."

Mr. Storey moved that the resolution be referred to the Committee on Criminal Jurisprudence.

Mr. Woodall moved to table the motion to refer the resolution.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—53.

Acker.	Finlay.
Ackerman.	Forbes.
Adkins.	Fuchs.
Baker.	Gerron.
Barnett.	Graves of Erath.
Bateman.	Heaton.
Bond.	Holder.
Bounds.	Hornaday.
Brice.	Jenkins.
Chastain.	Johnson
Coltrin.	of Dimmit.
Cox of Limestone.	Johnson of Smith.
Davis.	Johnson of Scurry.
DeWolfe.	Kennedy.
Enderby.	Kincaid.
Finn.	Kinnear.

Lee.
Long of Wichita.
Mosely.
Mullally.
Nicholson.
Olsen.
Pavlica.
Purl.
Ray.
Renfro.
Simmons.

Speck.
Stephens.
Stevenson.
Tarwater.
Thurmond.
Turner.
Van Zandt.
Wallace.
Woodall.
Woodruff.
Young.

Rogers.
Smith.
Snelgrove.
Strong.
Thompson.

Westbrook.
Wiggs.
Williams
of Hardin.

Question then recurring on the motion to refer the resolution, yeas and nays were demanded.

The motion prevailed by the following vote:

Nays—61.

Albritton.	McKean.
Baldwin.	Mehl.
Beck.	Minor.
Bradley.	Montgomery.
Brooks.	Moore.
Carpenter.	Murphy.
Cox of Navarro.	Negley.
Cox of Lamar.	O'Neill.
Duvall.	Palmer.
Gates.	Petsch.
Gilbert.	Pool.
Giles.	Pope of Jones.
Graves	Prendergast.
of Williamson.	Quinn.
Harding.	Reader.
Harrison.	Richardson.
Hefley.	Rountree.
Hines.	Sanders.
Hogg.	Savage.
Hopkins.	Shelton.
Hubbard.	Sherrill.
Justiss.	Shipman.
Keller.	Sinks.
Kemble.	Storey.
Land.	Veatch.
Lemens.	Walters.
Long of Houston.	Warwick.
Mankin.	Webb.
Maynard.	Williams
McCombs.	of Sabine.
McDonald.	Williams
McGill.	of Travis.

Present—Not Voting.

Marks.

Absent.

Dunlap.	Martin.
Ewing.	Mauritz.
Eickenroht.	Metcalfe.
Harman.	Pope of Neuces.
Harper.	Shaver.
Keeton.	Tillotson.
King.	Waddell.
Loy.	White.

Absent—Excused.

Anderson.	Kayton.
Avis.	Kenyon.
Conway.	Morse.
Hardy.	Patterson.
Jones.	Reid.

Yeas—81.

Acker.	Long of Houston.
Ackerman.	Maynard.
Albritton.	McCombs.
Baker.	McDonald.
Baldwin.	McGill.
Bateman.	McKean.
Beck.	Metcalfe.
Bounds.	Minor.
Bradley.	Montgomery.
Brooks.	Moore.
Carpenter.	Negley.
Chastain.	Nicholson.
Cox of Navarro.	Olsen.
Cox of Lamar.	O'Neill.
Cox of Limestone.	Palmer.
Davis.	Pavlica.
Dunlap.	Petsch.
Duvall.	Pool.
Enderby.	Pope of Jones.
Ewing.	Prendergast.
Finlay.	Purl.
Gates.	Quinn.
Gilbert.	Reader.
Giles.	Rountree.
Graves	Sanders.
of Williamson.	Savage.
Graves of Erath.	Shelton.
Harding.	Sherrill.
Harrison.	Shipman.
Heaton.	Sinks.
Hefley.	Speck.
Hines.	Storey.
Hogg.	Van Zandt.
Holder.	Veatch.
Hopkins.	Walters.
Hubbard.	Warwick.
Jenkins.	Webb.
Justiss.	White.
Keller.	Williams
Kemble.	of Sabine.
Land.	Williams
Lemens.	of Travis.

Nays—33.

Adkins.	Hornaday.
Barnett.	Johnson
Bond.	of Dimmit.
Brice.	Johnson of Smith.
Coltrin.	Johnson of Scurry.
Finn.	Kennedy.
Forbes.	Kincaid.
Fuchs.	Lee.
Gerron.	Long of Wichita.

Mankin.
Marks.
Mosely.
Mullally.
Murphy.
Ray.
Renfro.
Simmons.

Stephens.
Stevenson.
Thurmond.
Turner.
Wallace.
Woodall.
Woodruff.
Young.

Absent.

DeWolfe.
Eickenroht.
Harman.
Harper.
Keeton.
King.
Kinnear.
Loy.
Martin.

Mauritz.
Mehl.
Pope of Nueces.
Richardson.
Shaver.
Tarwater.
Tillotson.
Waddell.

Absent—Excused.

Anderson.
Avis.
Conway.
Hardy.
Jones.
Kayton.
Kenyon.
Morse.
Patterson.
Reid.

Rogers.
Smith.
Snelgrove.
Strong.
Thompson.
Westbrook.
Wiggs.
Williams
of Hardin.

RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 2, Relating to celebration of Fourth of July anniversary.

COMMITTEE APPOINTED.

The Speaker announced the appointment of the following committee to inspect the State eleemosynary institutions:

Messrs. Conway, Wiggs and Rogers.

HOUSE BILL NO. 6 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 6, A bill to be entitled "An Act to provide that the appointment to the State service shall be on the basis of merit determined by examinations, with certain exceptions; providing that the Supreme Court of Texas shall administer this act, and providing for examinations and rules therefor; providing for competitive and non-competitive classes, and providing for fees

for examinations; prescribing the status of employes now in the service of the State; providing a method of selection of employes and their removal; prohibiting the solicitation of contributions of money and prohibiting employes, under this act, to take part in politics; prescribing a penalty therefor; regulating the payment of employes, and declaring an emergency."

The bill was read second time.

Mr. Kemble moved that the bill be set as a special order for Tuesday at 2 o'clock p. m.

Mr. Woodruff moved that further consideration of the bill be postponed indefinitely.

Mr. Petsch moved to table the motion to postpone the bill indefinitely.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—56.

Baldwin.	Mehl.
Bond.	Metcalfe.
Bounds.	Minor.
Bradley.	Montgomery.
Carpenter.	Nicholson.
Coltrin.	Petsch.
Duvall.	Pool.
Enderby.	Pope of Jones.
Eickenroht.	Prendergast.
Forbes.	Purl.
Giles.	Reader.
Graves	Rountree.
of Williamson.	Sanders.
Hines.	Savage.
Holder.	Shelton.
Johnson	Sinks.
of Dimmit.	Tarwater.
Johnson of Smith.	Van Zandt.
Johnson of Scurry.	Veatch.
Justiss.	Waddell.
Keeton.	Wallace.
Kemble.	Walters.
Kennedy.	Warwick.
Kincaid.	White.
Kinnear.	Williams
Lee.	of Sabine.
Long of Wichita.	Williams
Marks.	of Travis.
Mauritz.	Woodall.
McCombs.	Young.
McGill.	

Nays—48.

Ackerman.	Ewing.
Adkins.	Finn.
Albritton.	Finlay.
Baker.	Fuchs.
Brice.	Gates.
Chastain.	Gerron.
Cox of Lamar.	Gilbert.
Cox of Limestone.	Graves of Erath.
Dunlap.	Harding.

Harman.	Murphy.
Heaton.	Olsen.
Hefley.	O'Neill.
Hopkins.	Palmer.
Hornaday.	Pavlica.
Hubbard.	Ray.
Land.	Renfro.
Long of Houston.	Sherrill.
Mankin.	Shipman.
Maynard.	Simmons.
McDonald.	Stevenson.
McKean.	Thurmond.
Moore.	Turner.
Mosely.	Webb.
Mullally.	Woodruff.

Present—Not Voting.

Jenkins.	Lemens.
Stephens.	

Absent.

Acker.	King.
Barnett.	Loy.
Bateman.	Martin.
Beck.	Negley.
Brooks.	Pope of Nueces.
Cox of Navarro.	Quinn.
Davis.	Richardson.
DeWolfe.	Shaver.
Harper.	Speck.
Harrison.	Storey.
Hogg.	Tillotson.
Keller.	

Absent—Excused.

Anderson.	Rogers.
Avis.	Smith.
Conway.	Snelgrove.
Hardy.	Strong.
Jones.	Thompson.
Kayton.	Westbrook.
Kenyon.	Wiggs.
Morse.	Williams
Patterson.	of Hardin.
Reid.	

Question then recurring on the motion by Mr. Kemble, to set the bill as a special order, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—86.

Acker.	Coltrin.
Ackerman.	Cox of Lamar.
Adkins.	Cox of Limestone.
Albritton.	Duvall.
Baker.	Ewing.
Baldwin.	Forbes.
Bateman.	Fuchs.
Bond.	Gerron.
Bradley.	Gilbert.
Brice.	Giles.
Carpenter.	Graves
Chastain.	of Williamson.

Harman.	O'Neill.
Hines.	Pavlica.
Holder.	Petsch.
Hopkins.	Pool.
Hornaday.	Pope of Jones.
Hubbard.	Prendergast.
Jenkins.	Quinn.
Johnson	Ray.
of Dimmit.	Reader.
Johnson of Smith.	Renfro.
Johnson of Scurry.	Rountree.
Justiss.	Sanders.
Kemble.	Savage.
Kennedy.	Shelton.
Kinnear.	Simmons.
Land.	Sinks.
Lee.	Stephens.
Lemens.	Stevenson.
Long of Wichita.	Storey.
Marks.	Tarwater.
Mauritz.	Turner.
McCombs.	Van Zandt.
McDonald.	Veatch.
McGill.	Waddell.
Mehl.	Wallace.
Metcalf.	Walters.
Minor.	Warwick.
Montgomery.	White.
Moore.	Williams of Sabine.
Negley.	Williams of Travis.
Nicholson.	Woodall.
Olsen.	Young.

Nays—23.

Barnett.	Maynard.
Bounds.	McKean.
Enderby.	Mosely.
Finn.	Mullally.
Finlay.	Murphy.
Graves of Erath.	Palmer.
Harding.	Sherrill.
Heaton.	Shipman.
Hefley.	Thurmond.
Kincaid.	Webb.
Long of Houston.	Woodruff.
Mankin.	

Absent.

Beck.	Keeton.
Brooks.	Keller.
Cox of Navarro.	King.
Davis.	Loy.
DeWolfe.	Martin.
Dunlap.	Pope of Nueces.
Eickenroht.	Purl.
Gates.	Richardson.
Harper.	Shaver.
Harrison.	Speck.
Hogg.	Tillotson.

Absent—Excused.

Anderson.	Kayton.
Avis.	Kenyon.
Conway.	Morse.
Hardy.	Patterson.
Jones.	Reid.

Rogers.	Thompson.
Smith.	Westbrook.
Snelgrove.	Wiggs.
Strong.	Williams of Hardin.

RELATING TO CONSIDERATION OF
HOUSE BILL NO. 9.

Mr. Quinn moved that the House Rule relating to the printing of bills be suspended for the purpose of considering House bill No. 9.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—62.

Baker.	Long of Wichita.
Baldwin.	Marks.
Bateman.	Maynard.
Bounds.	McGill.
Bradley.	Mehl.
Carpenter.	Negley.
Chastain.	Nicholson.
Coltrin.	Palmer.
Cox of Limestone.	Pavlica.
Davis.	Petsch.
Enderby.	Pope of Jones.
Ewing.	Purl.
Eickenroht.	Quinn.
Forbes.	Ray.
Fuchs.	Reader.
Giles.	Richardson.
Graves of Erath.	Rountree.
Heaton.	Savage.
Hines.	Shelton.
Hogg.	Shipman.
Holder.	Simmons.
Hubbard.	Sinks.
Johnson	Tarwater.
of Dimmit.	Waddell.
Johnson of Scurry.	Walters.
Justiss.	Warwick.
Kincaid.	Webb.
Kinnear.	White.
Land.	Williams of Sabine.
Lee.	Williams of Travis.
Lemens.	Woodall.
Long of Houston.	Young.

Nays—37.

Ackerman.	Keller.
Albritton.	Kemble.
Barnett.	Kennedy.
Bond.	Mankin.
Brice.	McCombs.
Cox of Lamar.	McDonald.
DeWolfe.	McKean.
Finn.	Moore.
Finlay.	Mullally.
Gates.	Murphy.
Gerron.	Olsen.
Gilbert.	O'Neill.
Hefley.	Renfro.
Hopkins.	Sanders.
Jenkins.	Sherrill.
Johnson of Smith.	Stephens.

Turner.	Wallace.
Van Zandt.	Woodruff.
Veatch.	

Present—Not Voting.

Prendergast.	Thurmond.
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Absent.

Acker.	King.
Adkins.	Loy.
Beck.	Martin.
Brooks.	Mauritz.
Cox of Navarro.	Metcalfe.
Dunlap.	Minor.
Duvall.	Montgomery.
Graves	Mosely.
of Williamson.	Pool.
Harding.	Pope of Nueces.
Harman.	Shaver.
Harper.	Speck.
Harrison.	Stevenson.
Hornaday.	Storey.
Keeton.	Tillotson.

Absent—Excused.

Anderson.	Reid.
Avis.	Rogers.
Conway.	Smith.
Hardy.	Snelgrove.
Jones.	Strong.
Kayton.	Thompson.
Kenyon.	Westbrook.
Morse.	Wiggs.
Patterson.	Williams of Hardin.

ADJOURNMENT.

Mr. Bateman moved that the House recess to 2 o'clock p. m. today.

Mr. Holder moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Johnson of Dimmit moved that the House adjourn after the memorial services in the Senate until 9 o'clock a. m. tomorrow.

The motion of Mr. Johnson of Dimmit prevailed, and the House, accordingly, adjourned until 9 o'clock a. m. tomorrow.

APPENDIX.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,
Austin, Texas, April 25, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred H. C. R. No. 2, Relating to Gadsden Purchase.

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

In Memory
of
Col. R. E. Yantis

Mr. Mosely offered the following resolution:

Whereas, Colonel R. E. Yantis, a former member of the House of Representatives, died in Dallas on April 13, 1929; and

Whereas, Colonel Yantis, who was born in Kentucky on July 22, 1848, came to Texas when he was two years old and spent the remainder of his long and useful life in this State, being nearly eighty-one years old at the time of his death, served the State in many useful capacities, having established the Wills Point Chronicle, which he edited for a number of years, afterwards owning and editing the Athens Review for about eighteen years; serving also at one time as President of the Texas Press Association, Director of the Federal Census for the Third Congressional District in 1920, and has served as statistician in the State Department of Agriculture during the past seven years; now, therefore, be it

Resolved, That at the death of Colonel Yantis the State has lost a distinguished citizen, a faithful public servant and his family a kind and loving husband and father; and be it further

Resolved, That when the House adjourns today, it shall be out of respect to his memory and in recognition of his splendid public service; that a page of the Journal be set apart in honor of his memory and that a copy of this resolution, signed by the Speaker and the Chief Clerk, be sent his widow, Mrs. Mary Yantis.

MOSELY,
VEATCH,
JENKINS,
PURL,
TILLOTSON,
HOLDER,
DAVIS,
JUSTISS.

The resolution was read second time and was adopted by a rising vote.

In Memory
of
Hon. T. S. Johnson

Mr. Giles offered the following resolution:

Whereas, Hon. T. S. Johnson, a former distinguished member of this body, a former Assistant Attorney General of Texas and for many years attorney for the Board of Education of the city of Austin, passed away on April 25 at the home of his daughter, whom he was visiting in Pasadena, California, and who was buried in Austin on yesterday; and

Whereas, Judge Johnson was a profound lawyer, a gentleman in the truest sense of the word, and rendered faithful and meritorious service to his State and city; now, therefore, be it

Resolved, That in the death of Judge Johnson the State of Texas has lost a citizen whose public service and private life are worthy of emulation and his children a kind and loving father; and, be it further

Resolved, That when the House adjourns today it shall be out of respect to his memory and in recognition of his splendid public service; that a page of the Journal be set apart in honor of his memory and that a copy of this resolution, signed by the Speaker and the Chief Clerk, be sent the surviving members of the family.

GILES,
WILLIAMS of Travis,
JENKINS,
MANKIN,
DAVIS,
COX of Navarro,
HUBBARD.

The resolution was read second time and was adopted by a rising vote.